



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/684,947	10/06/2000	Stephen R. Lawrence	11379A	2915

23389 7590 05/19/2003

SCULLY SCOTT MURPHY & PRESSER, PC  
400 GARDEN CITY PLAZA  
GARDEN CITY, NY 11530

EXAMINER
----------

COLBERT, ELLA

ART UNIT	PAPER NUMBER
----------	--------------

3624

DATE MAILED: 05/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application N .

09/684,947

Applicant(s)

LAWRENCE ET AL.

Examiner

Ella Colbert

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 74 and 79 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 74 and 79 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other:  |

Art Unit: 3624

### **DETAILED ACTION**

1. Claim 74 and newly added claim 79 are pending. Claim 74 has been amended and claim 79 has been added in this communication filed 03/14/03 entered as Amendment B, paper no. 7.

2. The IDS filed 07/31/02 has been entered as Paper no. 4. However, only one of the references, the English Language Summary of Office Action Dated 6/6/01, patent application no. 286599, and the abstract "Information retrieval system based on multi-agents" was considered since the other references were not translated into English.

3. The Change of Address filed 11/14/02 has been acknowledged and entered as paper no. 6.

### ***Amendment Objection***

4. The amendment filed 03/14/03 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: determining a first value equal to the overlap number of pages in the filtered full list of results corresponding to each of the first and the second third-party engines divided by the number of pages in the filtered full list of the second third-party search engine; determining a second value equal to a number of pages in the filtered full list of the first third-party search engine divided by the overlap number of pages in the filtered full list of results corresponding to each of the plurality of third-party search engines; and determining an estimate of the

Art Unit: 3624

relative coverage of the plurality of third-party engines by dividing the second value by the first value.

Applicants are respectfully requested to specifically point out in the Specification where these limitations are located or to cancel the new matter in the reply to this Office Action.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 74 and 79 are rejected under 35 U.S.C. 102(e) as being anticipated by (US 6,078,914) Redfern.

With respect to claim 74, Redfern teaches, forwarding a query to each of the plurality of third-party search engines (col. 3, lines 10-16 and lines 32-36, col. 9, lines 66-67, col. 10, lines 1-7, and col. 15, lines 50-65); retrieving a full list of results comprising pages matching the query from the plurality of third-party search engines

Art Unit: 3624

(col. 4, lines 20-28 and col. 10, lines 50-63); retrieving text for all pages listed in the full list of results corresponding to each of the plurality of third-party search engines (col. 16, lines 40-45, col. 24, lines 31-64, col. 25, lines 1-15 and lines 28-65, col. 26, lines 60-66, col. 27, lines 3-50, col. 28, lines 36-67, and col. 29, lines 3-25); filtering out pages from the full list of results corresponding to each of the of third-party search engines if the pages are unavailable or no longer match the query (col. 3, lines 3-6, lines 21-28, and lines 39-45, and col. 10, lines 39-50); and estimating the relative coverage of the plurality of third-party search engines, by comparing an overlap number of pages in the filtered full list of results corresponding to each of the first and the second third-party engines to an overlap number of pages in the filtered full list of results corresponding to each of the plurality of third-party engines (col. 33, lines 3-65 and col. 34, lines 15-35 (shows a comparison of the pages from each search engine)).

With respect to claim 79, Redfern teaches, i) determining a first value equal to the overlap number of pages in the filtered full list of results corresponding to each of the first and the second third-party engines divided by the number of pages in the filtered full list of the second third-party search engine (col. 15, lines 19-31); ii) determining a second value equal to a number of pages in the filtered full list of the first third-party search engine divided by the overlap number of pages in the filtered full list of results corresponding to each of the plurality of third-party search engines (col. 15, lines 66-67 and col. 16, lines 1-27); and iii) determining an estimate of the relative coverage of the plurality of third-party engines by dividing the second value by the first value (col. 16, lines 29-60 and col. 18, lines 20-46).

***R sponds to Arguments***

8. Applicants' arguments filed 03/04/03 have been fully considered but they are not persuasive.

Applicants' argue: Applicants' respectfully submit that the primary reference to Redfern does not anticipate the present invention, i.e., failing to disclose each and every element as particularly claimed in the independent Claim 74 and the Applicants' respectfully submit that Redfern fails to disclose estimating the relative coverage of the plurality of third-party search engines by comparing an overlap number of pages in the filtered full list results corresponding to each of the first and the second third-party engines to an overlap number of pages in the filtered list of results corresponding to each of the plurality of third-party engines has been considered but is not persuasive because (1) "estimating the relative coverage of the plurality of third-party search engines by comparing an overlap number of pages in the filtered full list results corresponding to each of the first and the second third-party engines to an overlap number of pages in the filtered list of results corresponding to each of the plurality of third-party engines" is an amendment to claim 74, therefore, making this argument "moot" and (2) the Examiner still does not find in Applicants' Specification on page 38, lines 3-19 and fig. 31 enough support for the limitation "estimating the relative coverage of the plurality of third-party search engines by comparing an overlap number of pages in the filtered full list results corresponding to each of the first and the second third-party engines to an overlap number of pages in the filtered list of results corresponding to each of the plurality of third-party engines". Page 38, lines 3-19 recite "Consider the

Art Unit: 3624

overlap between engines a and b in figure 31. Assuming that each engine samples the Web independently, the quantity ... is the number of documents returned by engine b, is an estimate of the fraction of the indexable Web, ... Using the coverage of 6 engines as a reference point ... the number of unique documents returned by the combination of 6 engines. Thus, ... of engine a with respect to the coverage of the 6 engines, ... We use this equation to estimate the size of the Web in relation to the amount of the Web covered by the 6 engines considered here.” The Applicants’ are respectfully request to point out in the Specification where on page 38, lines 3-19 and in fig. 31 “comparing an overlap number of pages in the filtered full list results corresponding to each of the first and the second third-party engines to an overlap number of pages in the “filtered list of results” corresponding to each of the plurality of third-party engines” is found. The Applicants’ are respectfully requested to either point out the elements of the amendment to claim 74 and newly added claim 79 in the Specification or cancel the new subject matter or add the subject matter as amendment to the Specification. Failure to not respond to this request will result in a 35 U.S.C. 112 First paragraph rejection and a 35 U.S.C. 112 second paragraph rejection. The terms “estimating the relative coverage of the plurality of third-party search engines” is very vague and indefinite. If the claim language is not amended this can result in a 35 U.S.C. 112 second paragraph rejection.

2. Applicants’ argue: The Applicants’ respectfully submit that Redfern does not disclose estimating the relative coverage of the plurality of third-party search engines, as particularly recited in the independent Claim 74 and Applicants’ further respectfully submit that Redfern further fails to disclose the newly added Claim 79 has

Art Unit: 3624

been considered but are not persuasive based on Applicants' appear to be arguing their amendment to claim 74 and newly added claim 79. Therefore, these arguments are considered "moot."

As a preliminary matter, in an effort to give the application a proper examination and to expedite prosecution, Applicants' are respectfully requested to provide the following references mentioned in Applicants' Specification: On page 6, (Salton, G. 1989), Automatic text processing: the transformation, analysis and retrieval of information by computer, Addison-Wesley); page 20, Willet, P. (1988), "Recent trends in hierarchical document clustering: a critical review", Information Processing and Management 24, 577-597"; page 23, Porter, M. F. (1980), "An algorithm for suffix stripping", program 14, 130-137); page 30, Selberg and Etzioni (Selberg, E. and Etzioni, O. (1995), Multi-service search and comparison using MetaCrawler, in Proceedings of the 1995 World Wide Web Conference"); page 31, (Eisenberg, M. and Barry, C. (1986), Order effects: A preliminary study of the possible influence of presentation order on user judgments of document relevance, in Proceedings of the 49<sup>th</sup> Annual Meeting of the American Society for Information Science", Vol. 23, pp. 80-86); page 32, (Brake, D. (1997), "Lost in cyberspace", New Scientist 154 (2088), 12-13); page 40, (Cunningham, M. (1997), "Brewster's millions", <http://www.irish-times.com/irish-times/paper/1997/0127/cmpl.html>); and page 40, (Guglienlmo, C. (1997), "Mr. Kurnit's neighborhood", Upside September).

### ***Conclusion***



Art Unit: 3624

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


***Inquiries***

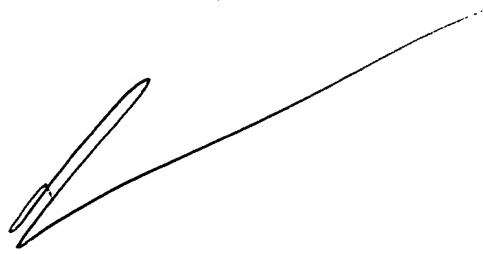
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 703-308-7064. The examiner can normally be reached on Monday-Thursday from 6:30 am -5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1038. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for Official communications and 703-746-5622 for Unofficial communications.

Art Unit: 3624

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

  
E. Colbert  
May 7, 2003

  
**VINCENT MILLIN**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600**